

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONG KONG UCLOUDLINK
NETWORK TECHNOLOGY LIMITED, et
al.,

Plaintiffs,

v.

SIMO HOLDINGS INC., et al.,

Defendants.

Case No. [18-cv-05031-EMC](#)

**ORDER DENYING DEFENDANT'S
MOTION FOR LEAVE TO FILE
MOTON FOR RECONSIDERATION**

Docket No. 155

SIMO has moved for leave to file a motion for reconsideration. SIMO seeks reconsideration with respect to the Court's prior order dismissing its trade secret misappropriation counterclaims with prejudice. SIMO wishes the Court to modify its order so that the dismissal would be without prejudice. This would permit SIMO to pursue its trade secret misappropriation causes of action in the Eastern District of Texas. Having considered the parties' briefs and accompanying submissions, the Court hereby **DENIES** SIMO leave to file a motion to reconsider.

Under the Civil Local Rules, a party may move for leave to file a motion to reconsider where "a material difference in fact . . . exists from that which was presented to the Court before entry of [its] order for which reconsideration is sought" – but only if, "in the exercise of reasonable diligence the party applying for reconsideration did not know such fact . . . at the time of the . . . order." Civ. L.R. 7-9(b)(1). Here, the "new facts" on which SIMO relies were publicly available at the time of the Court's order or could have been discovered with reasonable diligence.

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1 In denying SIMO's motion, the Court does not express any opinion as to what effect this
2 ruling may have in the Texas lawsuit.

3 This order disposes of Docket No. 155.

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5 **IT IS SO ORDERED.**

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7 Dated: August 26, 2020

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10 EDWARD M. CHEN
11 United States District Judge
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